

1 SCOTT N. SCHOOLS, SC SBN 9990
United States Attorney
2 JOANN M. SWANSON, CSBN 88143
Assistant United States Attorney
3 Chief, Civil Division
ILA C. DEISS, NY SBN 3052909
4 Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
6 Telephone: (415) 436-7124
FAX: (415) 436-7169

7 Attorneys for Respondents

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

OMID SAADATI,) No. C 07-5091 EMC
Petitioner,)
v.) ANSWER
MICHAEL CHERTOFF, in his Official)
Capacity, Secretary, United States Department)
of Homeland Security,)
PETER KEISLER, in his Official Capacity,)
Attorney General, United States Department)
of Justice;)
EMILIO GONZALEZ, in his Official Capacity,)
Director, United States Citizenship and)
Immigration Services, United States Department)
of Homeland Security;)
GERARD HEINAUER, in his Official Capacity,)
Director, Nebraska Service Center, United States)
Citizenship and Immigration Services, United)
States Department of Homeland Security,)
Lincoln, Nebraska,)
Respondents.)

The Respondents hereby submit their answer to Petitioner's Petition for Naturalization.

INTRODUCTION

1. Paragraph One consists of Petitioner's characterization of this action for which no answer is necessary; however, to the extent a response is deemed to be required, the Respondents deny the

ANSWER

C07-5091 EMC

1 allegations in this paragraph.

2 2. Paragraph Two consists of Petitioner's characterization of this action for which no answer
3 is necessary; however, to the extent a response is deemed to be required, the Respondents deny the
4 allegations in this paragraph.

5 3. Respondents admit the allegations in Paragraph Three.

6 4. Respondents deny the first sentence in Paragraph Four. Respondents are without sufficient
7 information to admit or deny the remaining allegations in this paragraph.

8 5. Respondents admit that USCIS has not adjudicated Petitioner's application; however,
9 Respondents are without sufficient information to admit or deny the remaining allegations in this
10 paragraph.

11 JURISDICTION AND VENUE

12 6. Paragraph Six consists of Petitioner's allegation regarding jurisdiction, to which no
13 responsive pleading is required; however, to the extent a responsive pleading is deemed necessary,
14 Respondents deny the allegations in this paragraph.

15 7. Paragraph Seven consists of Petitioner's allegation regarding jurisdiction, to which no
16 responsive pleading is required.

17 8. Paragraph Eight consists of Petitioner's allegations regarding venue, to which no responsive
18 pleading is required; however, to the extent a responsive pleading is deemed necessary,
19 Respondents deny the allegations in this paragraph.

20 8. The allegations contained in Paragraph Eight consist solely of Petitioner's allegations
21 regarding intradistrict assignment for which no answer is necessary.

22 PARTIES

23 9. Respondents admit the allegations in Paragraph Seven; however, Respondents are without
24 sufficient information to admit or deny Petitioner's residence.

25 10. Respondents admit the allegations in Paragraph Ten.

26 11. Respondents admit the allegations in Paragraph Eleven, except that the Attorney General
27 is now Michael Mukasey.

28 12. Respondents admit the allegations in Paragraph Twelve.

ANSWER
C07-5091 EMC

13. Respondents admit the allegation in Paragraph Thirteen.

FACTUAL ALLEGATIONS

14. Respondents admit the allegation in Paragraph Fourteen.

15. Respondents admit the allegation in Paragraph Fifteen.

16. Respondents admit the allegation in Paragraph Sixteen.

17. Respondents admit the allegation in Paragraph Seventeen.

18. Respondents deny the allegations in Paragraph Eighteen as the Petitioner was interviewed,
8 not examined on December 18, 2003.

19. Respondents admit that Petitioner passed his English and Civics tests at the interview.

20. Respondents deny the allegations in Paragraph Twenty.

21. Respondents are without sufficient information to admit or deny the allegations in
12 Paragraph Twenty-One.

22. Respondents are without sufficient information to admit or deny the allegations in
14 Paragraph Twenty-Two.

23. Respondents are without sufficient information to admit or deny the allegations in
16 Paragraph Twenty-Three.

24. Respondents are without sufficient information to admit or deny the allegations in
18 Paragraph Twenty-Four.

25. Respondents are without sufficient information to admit or deny the allegations in
20 Paragraph Twenty-Five.

26. Respondents admit the allegations in Paragraph Twenty-Six.

27. Respondents admit the allegations in Paragraph Twenty-Seven.

28. Respondents are without sufficient information to admit or deny the allegations in
24 Paragraph Twenty-Eight.

29. Respondents are without sufficient information to admit or deny the allegations in
26 Paragraph Twenty-Nine.

30. Respondents are without sufficient information to admit or deny the allegations in
28 Paragraph Thirty.

1 31. Respondents are without sufficient information to admit or deny the allegations in
2 Paragraph Thirty-One.

CAUSE OF ACTION

4 32. Respondents incorporate their responses to Paragraph One through Thirty-One as if set
5 forth fully herein.

6 33. Respondents deny the allegations in Paragraph Thirty-Three.

PRAYER FOR RELIEF

8 The remaining paragraph consist of Petitioner's prayer for relief, to which no admission or
9 denial is required; to the extent a responsive pleading is deemed to be required, Respondents deny
10 this paragraph.

FIRST AFFIRMATIVE DEFENSE

12 The Court lacks jurisdiction over the subject matter of this action.

SECOND AFFIRMATIVE DEFENSE

14 The Complaint fails to state a claim against the Respondents upon which relief can be granted.

THIRD AFFIRMATIVE DEFENSE

16 No acts or omissions by the United States or its employees were the proximate cause of any
17 injury or damages to the Petitioner.

FOURTH AFFIRMATIVE DEFENSE

19 At all times alleged in the complaint, Respondents were acting with good faith, with
20 justification, and pursuant to authority.

FIFTH AFFIRMATIVE DEFENSE

22 The Respondents are processing the application referred to in the Petition to the extent possible
23 at this time. Accordingly, no relief as prayed for is warranted.

24 | //

25 | //

26 | //

27

28

ANSWER
C07-5091 EMC

1 WHEREFORE, Respondents pray for relief as follows:

2 That judgment be entered for Respondents and against Petitioner, dismissing Petitioner's
3 Petition with prejudice; that Petitioner takes nothing; and that the Court grant such further relief as
4 it deems just and proper under the circumstances.

5 Dated: December 7, 2007

Respectfully submitted,

6 SCOTT N. SCHOOLS
United States Attorney

7
8 /s/
9 ILA C. DEISS
Assistant United States Attorney
10 Attorneys for Respondents